

MEMORANDUM

DATE: March 30 2007

TO: Ms. Sharon L. Summers, DSS
Policy, Program and Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 10 DE Reg. 1441 [Final Food Stamp/TANF Disqualification Regulations]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services (DSS) proposed regulations regarding its Food Stamp and TANF programs published as 10 DE Reg. 1441 in the March 1, 2007 issue of the Register of Regulations. As background, SCPD realizes that the Division adopted standards a few years ago to implement changes in federal law. The State revised the time periods for disqualification based on intentional violations of Food Stamp and TANF program standards. These revised standards are outlined in Section 2023.2. DSS has now amended Section 2023.5 in an attempt to reach consistency with Section 2023.2.

DSS characterizes the amendment as exempt from publication as a proposed regulation since the change is minor and technical. Although comments are not solicited, SCPD is notifying the Division that the amendments do not achieve consistency in the regulations. Section 2023.2, Pars. 1-3, contain variations on penalties based on involvement in sales of drugs, firearms, ammunition or explosives or trafficking in Food Stamp benefits valued at \$500 or more. These variations are not reflected in the amended regulation. For ease of reference, DSS could consider substituting the following for the current Section 2023.5, Par. 3.f: "A warning that a determination of intentional Program violation will result in a period of disqualification conforming to Section 2023.2 and a statement of which penalty the Division believes is applicable to the case scheduled for hearing." This would resolve any inconsistency between the regulations.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulations.

cc: Ms. Elaine Archangelo
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council